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SYSTEMS (SHENZHEN) CO., LTD., CORSAIR
GAMING, INC. and CORSAIR MEMORY, INC.*

14 **UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

16 ASETEK DANMARK A/S,
17 Plaintiff and
Counterdefendant,
18 ASETEK USA, INC.,
19 Counterdefendant,
20 v.

21 COOLIT SYSTEMS, INC.,
22 Defendant and
Counterclaimant,
23 COOLIT SYSTEMS USA INC., COOLIT
24 SYSTEMS ASIA PACIFIC LIMITED, COOLIT
25 SYSTEMS (SHENZHEN) CO., LTD.,
26 Defendants,
27 CORSAIR GAMING, INC. and CORSAIR
MEMORY, INC.,
28 Defendants.

CASE NO. 3:19-cv-00410-EMC

**FURTHER JOINT CASE
MANAGEMENT STATEMENT**

Date: June 7, 2022
Time: 2:30 PM
Location: Courtroom 5, 17th Floor
Judge: Hon. Edward M. Chen

1 Plaintiff and Counterdefendant Asetek Danmark A/S and Asetek USA, Inc. (“Asetek”) and
 2 Defendant and Counterclaimant CoolIT Systems, Inc. (“CoolIT”), Defendants CoolIT Systems USA
 3 Inc., CoolIT Systems Asia Pacific Limited, and CoolIT Systems (Shenzhen) Co., Ltd., and Defendants
 4 Corsair Gaming, Inc. and Corsair Memory, Inc. (collectively, “Corsair”) (all together, “Defendants”)
 5 jointly submit this FURTHER JOINT CASE MANAGEMENT STATEMENT.

6 **1. Jurisdiction & Service**

7 The basis for the Court’s subject matter jurisdiction over Asetek’s claims and CoolIT’s
 8 counterclaims are the patent laws of the United States, Title 35 of the United States Code. Specifically,
 9 this Court has subject matter jurisdiction under 28 U.S.C. §§ 1331 and 1338(a). All parties have been
 10 served.

11 **2. Facts**

12 On February 14, 2022, the Court granted “a partial stay of litigation as to Asetek’s ’354, ’355,
 13 ’601, and ’196 patents and CoolIT’s ’567 patent [fn] pending *inter partes* review of the ’601 and ’196
 14 patents. The Court allows litigation to proceed as to Asetek’s ’362 patent and CoolIT’s ’330, ’284,
 15 and ’266 patents.” Dkt. 380 at 3. At trial, Asetek currently plans to assert claims 17 and 19 from U.S.
 16 Patent No. 8,240,362 (“the ’362 patent”), which is not subject to IPR. CoolIT plans to assert at trial
 17 claims 1, 4, 12, 14, and 15 of CoolIT’s U.S. Patent No. 8,746,330, claims 3, 5, 15, and 20 of CoolIT’s
 18 U.S. Patent No. 9,603,284, and claims 13 and 15 of CoolIT’s U.S. Patent No. 10,274,266. CoolIT and
 19 Corsair deny Asetek’s allegations of infringement. Dkt. Nos. 365, 366. Asetek denies CoolIT’s
 20 allegations of infringement. Dkt. No. 273.

21 **3. Legal Issues**

- 22 a) Whether the asserted Asetek Patents are valid and enforceable;
- 23 b) Whether CoolIT infringes any valid and enforceable claim of the asserted Asetek
 24 Patents;
- 25 c) Whether CoolIT’s infringement of any valid and enforceable claim of the asserted
 26 Asetek Patents, if any, was willful;
- 27 d) Whether the asserted CoolIT Patents are valid and enforceable;

- e) Whether Asetek infringes any valid and enforceable claim of the asserted CoolIT patents;
- f) Whether Asetek's infringement of any valid and enforceable asserted claim of the CoolIT Patents, if any, was willful;
- g) Whether this case is an exceptional case under 35 U.S.C. § 285 entitling any party to an award of attorneys' fees;

4. Motions

The following motions are currently under submission following oral argument on May 19, 2022:

	Hearing Date	Description	Submissions
1.	05/19/2022 at 1:30 p.m.	Defendants' Motion for Summary Judgement	Dkt. No. 387 Dkt. No. 427 Dkt. No. 447
2.	05/19/2022 at 1:30 p.m.	Defendants' Motion to Strike Exhibit 275	Dkt. No. 389 Dkt. No. 414 Dkt. No. 432
3.	05/19/2022 at 1:30 p.m.	Defendants' Motion to Strike Asetek's Late-Disclosed Alleged Design-Arounds	Dkt. No. 391 Dkt. No. 424 Dkt. No. 439
4.	05/19/2022 at 1:30 p.m.	Defendants' Daubert Motion to Exclude Portions of Expert Report of Dr. Nisha Mody	Dkt. No. 393 Dkt. No. 416 Dkt. No. 437
5.	05/19/2022 at 1:30 p.m.	Asetek's Motion for Partial Summary Judgment	Dkt. No. 394 Dkt. No. 423 Dkt. No. 451
6.	05/19/2022 at 1:30 p.m.	Defendants' Motion to Exclude Certain Opinions of Dr. David Tuckerman Regarding Invalidity and Non-Infringement of CoolIT's Patents and Infringement of Asetek's Patents	Dkt. No. 397 Dkt. No. 422 Dkt. No. 443
7.	05/19/2022 at 1:30 p.m.	Defendants' Motion to Exclude the Expert Report of Dr. Carl-Frederick Stein Regarding Pump Impeller Designs and Performances	Dkt. No. 399 Dkt. No. 425 Dkt. No. 440

8.	05/19/2022 at 1:30 p.m.	Asetek's Motion to Exclude Certain Opinions of Dr. John P. Abraham Under Daubert for Misconstruing and Misapplying the Parties' Stipulated Claim Construction	Dkt. No. 400 Dkt. No. 418 Dkt. No. 450
9.	05/19/2022 at 1:30 p.m.	Defendants' Motion to Strike Portions of the Expert Report of Dr. David Tuckerman Regarding Invalidity of CoolIT's Patents	Dkt. No. 401 Dkt. No. 419 Dkt. No. 433
10.	05/19/2022 at 1:30 p.m.	Asetek's Motion for Judicial Estoppel to Prevent Defendants from Taking Non-Infringement Positions that are Inconsistent with Prior Invalidity Positions	Dkt. No. 402 Dkt. No. 413 Dkt. No. 445
11.	05/19/2022 at 1:30 p.m.	Asetek's Motion to Exclude Opinions of Mr. John L. Hansen Concerning CoolIT's Damages	Dkt. No. 405 Dkt. No. 418 Dkt. No. 449

The parties may file other appropriate motions as this case progresses.

5. Amendment of Pleadings

The parties' stipulated "Deadline to move to add parties or amend the pleadings" was February 12, 2021. Dkt. Nos. 222-2 (proposed scheduled), 227 (order adopting schedule).

6. Evidence Preservation

The parties certify that they have reviewed the Court's ESI Guidelines, and confirm that they have discussed and taken reasonable steps to preserve ESI. Each party shall take reasonable affirmative steps to continue to preserve evidence related to the issues presented by the action.

7. **Disclosures**

Asetek and CoolIT exchanged Rule 26(a)(1) initial disclosures on June 6, 2019. CoolIT served supplemental disclosures on July 16, 2021. Corsair served its initial disclosures on July 16, 2021.

8. Discovery

Fact discovery closed on August 31, 2021. (Dkt. No. 260.) Expert discovery closed on January 10, 2022 (Dkt. No. 325). The parties will discuss appropriate supplementation (e.g., updated sales of accused products) under Rule 26(e).

9. Class Actions

This case is not a class action.

10. **IPRs and Related Cases**

On August 19, 2021, the PTAB issued a Final Written Decision in CoolIT's IPR2020-00523 finding the asserted claims of Asetek's '354 patent unpatentable. On the same day, the PTAB also issued a Final Written Decision in CoolIT's IPR2020-00522 finding the asserted claims of Asetek's '355 patent unpatentable. Asetek believes the PTAB made errors of law and has appealed these decisions.

On September 30, 2021, the PTAB issued a Final Written Decision finding the asserted claims of CoolIT’s 9,057,567 patent (“the ’567 patent”) unpatentable in IPR2020-00747. On October 12, 2021, the PTAB issued a Final Written Decision finding some of the asserted claims of CoolIT’s ’266 patent unpatentable and some of the asserted claims patentable in IPR2020-00825. On December 2, 2021, CoolIT filed a notice of appeal on the ’567 patent and its appeal brief on May 24, 2022. On December 13, 2021, Asetek filed a notice of appeal concerning the claims of the ’266 patent that the PTAB did not find invalid.

Further, the PTAB issued decisions instituting *Inter Partes* Review on Asetek's '601 and '196 patents on December 28, 2021 in IPR2021-01195 and IPR2021-01196. Final Written Decisions for those IPRs are expected in December 2022.

11. Relief

Each party is seeking damages for alleged infringement of its patents and a trebling of damages for alleged willful infringement; costs and attorney's fees in defending against this lawsuit; and such other relief as the Court deems just and proper. Each party believes the other is not entitled to any relief.

12. Settlement and APR

This case has been referred to Magistrate Judge Sallie Kim for settlement purposes, and a further settlement conference is scheduled for September 13, 2022. Magistrate Judge Kim held three prior settlement conferences in this case (in December 2019, September 2020, and February 2022).

13. **Consent to Magistrate Judge for All Purposes**

2 Whether all parties will consent to have a magistrate judge conduct all further proceedings
 3 including trial and entry of judgment. YES X NO

14. **Other References**

5 This case is not suitable for reference to binding arbitration, a special master, or the Judicial
 6 Panel on Multidistrict Litigation.

7 15. **Narrowing of Issues**

8 The parties are not currently aware of issues that can be narrowed by agreement or motion.
 9 The parties have submitted motions for summary judgement and will continue to evaluate and work
 10 together to expedite the presentation of evidence at trial, but they do not have any specific joint
 11 proposals at this time.

12 16. **Expedited Trial Procedure**

13 The parties do not believe that this is the type of case that can be handled on an expedited basis
 14 with streamlined procedures.

15 17. **Scheduling**

16 Pursuant to the Court's February 17, 2022 Case Management and Pretrial Order for Jury
 17 Trial (Dkt. No. 382), the remaining deadlines in the current case schedule are as follows:

Event	Dates
Meet and confer re pretrial conference statements	January 10, 2023
Joint pretrial conference statement/trial briefs	January 31, 2023
Objections due	February 7, 2023
Pretrial conference	February 21, 2023
Trial	March 13, 2023
Estimate of trial length (in days)	10 court days

18. **Trial**

25 The parties have requested that this case be tried by jury. The parties believe trial will likely
 26 take 10 court days.

1 19. **Disclosure of Non-Party Interested Entities or Persons**

2 **Asetek's Statement:**

3 Asetek filed its L.R. 3-15 certification of interested parties on January 23, 2019, identifying
4 Asetek Holdings, Inc.; Asetek A/S; and Arbejdsmarkedets Tillaegspension.

5 **CoolIT's Statement:**

6 CoolIT filed its L.R. 3-15 certification on February 25, 2019. CoolIT certifies that other than
7 the named parties, there is no such interest to report.

8 20. **Professional Conduct**

9 Counsel of record for the parties has reviewed the Guidelines for Professional Conduct for the
10 Northern District of California.

11 21. **Other**

12 None.

13 Respectfully submitted,

14 Dated: May 31, 2022

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1 Dated: May 31, 2022

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7

8 **ATTESTATION**

9

10 Counsel for Asetek Danmark A/S hereby attests by his signature below that concurrence in
11 the filing of this document was obtained from counsel for CoolIT Systems, Inc., CoolIT Systems
12 USA Inc., CoolIT Systems Asia Pacific Limited, CoolIT Systems (Shenzhen) Co., Ltd., Corsair
13 Gaming, Inc., and Corsair Memory, Inc.

14 Dated: May 31, 2022

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